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January 19, 2021

VIA E-FILING

Honorable Ronnie Abrams, U.S.D.J.
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: **Linnea Michaels, et al. v. Fellowships at Auschwitz for the Study
of Professional Ethics, et al.; Civil Action No. 1:20-cv-05414-RA**

Dear Judge Abrams:

This office represents the Plaintiffs, Linnea Michaels, Mary-Kathryn Zoni and Rev. Susan J. McCone, in the above-referenced matter. I am in receipt of a letter filed with the Court this morning by counsel for the Defendants, Fellowships at Auschwitz for the Study of Professional Ethics, C. David Goldman, Andrew Eder, Eric Muller, Debbie Bisno, Nancy Angoff, Frederick Marino, and Thorsten Wagner (collectively, "Defendants"), in opposition to my letter from Friday requesting an extension of time to file completed Waivers of Service of the Summons. Please accept this submission as a brief and respectfully submitted reply.

Federal Rule of Civil Procedure 4(m) states that "if the plaintiff shows good cause for the failure [to submit proof of service], the court must extend the time for service for an appropriate period." Without getting into the challenges of the past few months, I respectfully submit that good cause has been shown to allow for additional time and reiterate that there has been no prejudice against the Defendants and no adverse effect on this case.

Indeed, in acknowledging several of the exchanges that we have shared, counsel for the Defendants affirms that (a) his firm represents all of the Defendants, (b) all of the Defendants agreed to waive service of the summons, and (c) he is in possession of Waivers of Service of the Summons for each of the Defendants.

On January 14, 2021 at 1:15 pm, I wrote to counsel for the Defendants:

David,

Most importantly, I hope that everyone on your end is healthy and well given the continuing concerns regarding COVID-19 that have affected far too many.

I see that you had confirmed representation of all 8 defendants and that each had agreed to waive service of the summons and complaint, but that we didn't close that loop. I will have those forms over to you by tomorrow if not later today, so that we can get back on track with this matter.

I expect that the next steps will be your responsive pleadings and some notification from the court about an initial case management conference and exploration of mediation, which as we had discussed previously, could be productive.

Thanks again,

Jim

Respectfully, my representations to the Court were intended simply to echo what I assessed had been and expected should be a level of cooperation that should allow for productive and respectful use of the Court's time. Similarly, my reference to the impact of the pandemic in my letter to the Court was heartfelt and genuine. I did not intend to project my own experiences onto counsel for Defendants or anyone else. I had conveyed to him privately that I hoped everyone was well on his end, and I am pleased to hear through his submission to the Court that everyone on his end appears to be well both professionally, and more importantly, personally.

I will defer to and respect Your Honor in how the Court wishes to proceed. Arguably, counsel for Defendants has already acknowledged proof of service, and it is simply a matter of completing and filing the respective Waivers of Service of the Summons for each Defendant, which are in his hands. Alternatively, if the Court decides to dismiss the matter without prejudice, I will file a motion to reinstate the Complaint, presumably reply to opposition papers from Defendants, allow that motion to be heard, and if granted, provide counsel for Defendants with another copy of the Complaint and additional copies of the Waivers of Service of the Summons that he already has.

I appreciate Your Honor's continuing attention to and courtesies in this matter.

Respectfully submitted,

s / James P. Gianakis

James P. Gianakis

cc: David E. Strand, Esq. (via email)